

REMARKS

Claims 15-26 and 35 remain in this application. Claims 1-14 and 27-34 have been canceled. Claims 15-26 have been amended. Claim 35 has been added. No new matter has been added.

Previous claim 14 has been replaced by new base claim 35, which is believed to be clearly patentable over the prior art.

Reconsideration is accordingly respectfully requested for the rejection of claims as unpatentable over MELET, alone or in view of BACHENHEIMER or KIM or JOTTIER.

The rejections all fall down on MELET.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

There are automatic blood analysis devices that utilize several syringes such as MELET. However, in MELET (US 6,555,065 B1), syringes 11, 12, 13 are dedicated to reagents and are driven by a motor M2. The apparatus of MELET also comprises an air pump 14 which is remote from the syringe block 10. The air pump itself is driven by another motor M1. MELET does not disclose or suggest to drive pistons 11, 12, 13 in the same manner as the air pump. On the contrary, MELET suggests the use of a specific

motor for each functional part of the apparatus, which leads to four different motors M1, M2, M3, M4.

Thus, MELET stands in contrast to the claimed invention.

It is one of the aims of the present invention to optimize the design of the syringe block to reduce the risks of breakdown and various leaks. Another aim is to reduce the maintenance time and costs in maintaining such a syringe block (see description page 1, lines 8-29). Driving all the syringes together with one of them forming an air pump results in a lower number of ducts and small dimensions. By doing so, the costs are dramatically reduced and reliability is increased.

As a result, it is believed that MELET fails to anticipate or render obvious the claimed invention.

As a result, applicants respectfully request that the obviousness rejection be withdrawn.

BACHENHEIMER discloses a particle analysis system containing a face plate number and a mating flexible member, one of which has a plurality of passages. The passages provide a path for various fluids to follow within the system. However, applicants respectfully submit that BACHENHEIMER fails to disclose or suggest an apparatus that drives the pistons by the same way as the air pump as recited in the claimed invention. Accordingly, applicants respectfully submit that BACHENHEIMER

fails to remedy the deficiencies of MELET for reference purposes and asks that the rejection be withdrawn.

KIM discloses a multi-purpose reagent system for rapid analysis of a whole blood sample allowing the termination of at least five classes of peripheral white blood cells, nucleated red blood cells and lymphocyte immunophenotyping on automated hematology instrumentation. KIM does not disclose or suggest an apparatus that drives pistons in the same manner as an air pump. Accordingly, applicants believe that KIM fails to remedy the deficiencies of MELET for reference purposes and asks that the rejection be withdrawn.

JOTTIER describes a reactor for preparing and analyzing fluids. JOTTIER does not disclose or suggest an apparatus that drives the pistons in the same manner as an air pump as recited in the claimed invention. Accordingly, applicants believe that JOTTIER fails to remedy the deficiencies of MELET for reference purposes.

Thus, applicants respectfully submit that the proposed combination of MELET in view of JOTTIER fails to render obvious the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in dark ink, appearing to read 'Robert J. Patch', written over a horizontal line.

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